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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

STEPHANIE ANN RUNNELS
15615 Roland View Drive
Chester, Virginia 23831

Registered Nurse License No. 669293

Respondent.

Case No. 2007-316

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 27, 2007, Complainant, Ruth Ann Terry, M.P.H., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs, filed Accusation No. 2007-316 against Stephanie Ann Runnels ("Respondent") before the Board.

2. On or about November 16, 2005, the Board issued Registered Nurse License No. 669293 to Respondent. The license expired on August 31, 2007.

3. On or about July 10, 2007, Carol L. Sekara, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2007-316, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record

1 with the Board, which was and is 15615 Roland View Drive, Chester, Virginia 23831. A copy
2 of the Accusation is attached as Exhibit A, and is incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the
4 provisions of Government Code section 11505, subdivision (c).

5 5. On or about August 7, 2007, Respondent signed and returned a Notice of
6 Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at
7 Respondent's address of record and it informed her that an administrative hearing in this matter
8 was scheduled for May 28, 2008. Respondent failed to appear at that hearing.

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the
11 merits if the respondent files a notice of defense, and the notice
12 shall be deemed a specific denial of all parts of the accusation not
13 expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the
15 agency in its discretion may nevertheless grant a hearing.

14 7. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of
16 defense or to appear at the hearing, the agency may take action
17 based upon the respondent's express admissions or upon other
18 evidence and affidavits may be used as evidence without any notice
19 to respondent.

18 8. Pursuant to its authority under Government Code section 11520, the Board
19 finds Respondent is in default. The Board will take action without further hearing and, based on
20 the evidence on file herein, finds that the allegations in Accusation No. 2007-316 are true.

21 9. The total cost for investigation and enforcement in connection with the
22 Accusation are \$1,501.50 as of June 17, 2008. A copy of Cost-of-Suit Summary is attached as
23 Exhibit B, and is incorporated herein by reference.

24 **DETERMINATION OF ISSUES**

25 1. Based on the foregoing findings of fact, Respondent has subjected her
26 Registered Nurse License No. 669293 to discipline.

27 2. A copy of the Accusation is attached.

28 3. The agency has jurisdiction to adjudicate this case by default.

Exhibit A

Accusation No. 2007-316

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
3 California Department of Justice
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6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-314

13 **STEPHANIE ANN RUNNELS, aka**
14 **STEPHANIE HAMBY**
15 15615 Roland View Drive
Chester, Virginia 23831

A C C U S A T I O N

16 Registered Nurse License No. 669293

17 Respondent.

18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **License History**

24 2. On or about November 16, 2005, the Board issued Registered Nurse
25 License Number 669293 ("license") to Stephanie Ann Runnels, also known as Stephanie Hamby
26 ("Respondent"). The license will expire on August 31, 2007, unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 2762 of the Code states, in pertinent part:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or

alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that effective May 26, 2006, pursuant to an Order by the Commonwealth of Virginia Board of Nursing ("Board"), in the case entitled, *Re: Stephanie A. Runnels, R.N. (aka Stephanie Hamby)*, Respondent's Registered Nurse License #0001-159395 was suspended for an indefinite period of time. A copy of the Order is attached as Exhibit A and incorporated herein

SECOND CAUSE FOR DISCIPLINE

(Criminal Conviction)

10. Respondent is subject to disciplinary action under Code section 2761, subdivision (f), in that on or about March 9, 2004, in the Circuit Court of the County of Henrico, Commonwealth of Virginia, in the case entitled, *Commonwealth of Virginia and County of Henrico v. Stephanie Ann Runnels*, Case Nos. CR03-5914/5915-00M, the Court found Respondent guilty of violating one count of Virginia Code section 18.2-186.3 (identify fraud) and one count of Henrico County Ordinance No. 13-35 (drunk in public), both misdemeanors.

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1 Such conviction is substantially related to the qualifications, functions, and duties of a registered
2 nurse.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Criminal Conviction Involving the Consumption of Alcohol)**

5 11. Respondent is subject to disciplinary action under Code section 2761,
6 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
7 subdivision (c), in that Respondent was convicted of a crime involving the consumption of an
8 alcoholic beverage, as set forth in paragraph 10, above.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Use an Alcoholic Beverage to the Extent or**
11 **in a Manner Dangerous or Injurious to Herself or Others)**

12 12. Respondent is subject to disciplinary action under Code section 2761,
13 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
14 subdivision (b), in that on or about August 23, 2002, November 7, 2003, and May 17, 2004,
15 Respondent consumed alcoholic beverages to an extent or in a manner dangerous or injurious to
16 herself or others, as set forth in the Order attached as Exhibit A.

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1 **PRAYER**

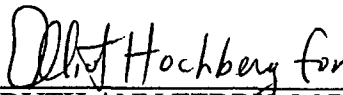
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 669293 issued
5 to Stephanie Ann Runnels, also known as Stephanie Hamby;

6 2. Ordering Stephanie Ann Runnels, also known as Stephanie Hamby to pay
7 the Board the reasonable costs of the investigation and enforcement of this case pursuant to Code
8 section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 6/27/07

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15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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VIRGINIA:

BEFORE THE BOARD OF NURSING

RE: STEPHANIE A. RUNNELS, R.N. (A.K.A. STEPHANIE HAMBY)

ORDER

Pursuant to §§ 2.2-4020, 2.2-4021, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 17, 2006, in Henrico County, Virginia, to receive and act upon evidence that Ms. Runnels may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by W. Clay Garrett, Assistant Attorney General. Emily O. Wingfield, Assistant Attorney General, was present as legal counsel for the Board. Ms. Runnels was present and was represented by Lisa Lawrence, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Stephanie A. Runnels (a.k.a. Stephanie Hamby) R.N., holds License # 0001-159395 to practice professional nursing in the Commonwealth of Virginia. Said license will expire on July 31, 2006.
2. On or about July 16, 2002, while employed with Southside Regional Medical Center, ("SRMC"), Ms. Runnels, by failing to determine the proper protocol for administering Aggrastat (tirofiban hcl, Sch. VI) prior to administering it to a patient, endangered the patient's health and welfare.
3. On August 23, 2002, Ms. Runnels reported to work at SRMC with a strong odor of alcohol on her person. She was asked to submit to a breathalyzer test and tested positive for alcohol. By her own admission, Ms. Runnels had consumed several beers the night before and arrived at work hung over. Since SRMC has a zero tolerance policy with regard to alcohol and drug use by hospital staff,

Ms. Runnels was given the option to enroll in the Health Practitioners Intervention Program ("HPIP") or be terminated from her employment. When she refused to enroll in HPIP by a deadline date of September 27, 2002, she was terminated from SRMC. On or about October 2, 2002, Ms. Runnels did enroll in HPIP. In signing her initial contract with HPIP and her subsequent Recovery Monitoring contract on February 27, 2003, she admitted to an addiction to alcohol.

4. During the course of enrollment with HPIP she missed numerous calls to the NCPS test line. On or about October 17, 2003, she was selected to test but failed to call the test line; therefore, her failure to contact the test line was treated as a "no show." Ms. Runnels was directed by HPIP on November 5, 2003, to refrain from the practice of nursing, based on her non-compliance with HPIP's screening protocol. Ms. Runnels was again selected to test on February 12, 2004, but she failed to call the NCPS in time to get into the lab to test, and therefore, this test was also recorded as a "no show."

5. Ms. Runnels was charged on November 7, 2003, with public intoxication, a misdemeanor, and later convicted of the offense in Henrico County Circuit Court. Further, by her own admission, Ms. Runnels continued to drink alcohol while off duty. These acts constitute violations of her Recovery Monitoring Contract with HPIP, in which she agreed to abstain completely from alcohol and other controlled substances.

6. On or about May 17, 2004, Ms. Runnels submitted to an ethylglucuronide ("ETG") test, administered by HPIP, to determine whether she had consumed alcohol, and tested positive. She was working for Chippenham/Johnston-Willis Hospital ("CJW") at that time.

7. Ms. Runnels was granted a stay of disciplinary action on June 20, 2003. Her stay was vacated on April 16, 2004, due to her failure to comply with the terms of her recovery monitoring contract, and she was dismissed from HPIP on June 11, 2004.

8. On or about November 7, 2003, she was charged with identity fraud, a misdemeanor. On or about March 9, 2004, the matter was heard in Henrico County Circuit Court and Ms. Runnels was convicted as charged. By order dated March 24, 2004, she was sentenced to confinement for 90 days with 86 of those days suspended.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
4. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.
5. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.
6. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.
7. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Stephanie A. Runnels be and hereby is, placed on INDEFINITE SUSPENSION, with said suspension STAYED, upon the following terms and conditions:

1. Ms. Runnels shall provide proof of re-entry into the HPIP, pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, et. seq., of the Regulations Governing the Health Practitioners' Intervention Program.
2. Ms. Runnels shall comply with all terms and conditions for the period specified by the HPIP.

3. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Runnels and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time as the Board is notified that:

- a. Ms. Runnels has failed to enter into the HPIP by the above date, or
- b. Ms. Runnels is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
- c. There is a pending investigation or unresolved allegations against Ms. Runnels involving a violation of law, regulation or any term or condition of this order, or,
- d. Ms. Runnels has successfully completed the specified period of participation in the HPIP. However, upon receipt of evidence of Ms. Runnels' participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Runnels' appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

As provided by Rule 2(A)(2) of the Supreme Court of Virginia, Ms. Runnels has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Runnels actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

Jay Douglas
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

May 26th, 2006
ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Stephanie A. Runnels, R.N. at 15615 Roland View Drive, Chester, Virginia 23831 and to Lisa K. Lawrence, Esquire, at P.O. Box 495, Richmond, Virginia 23218-0495.

Jay Douglas
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

May 26th, 2006
DATE